

Department of Transportation

Office of the Secretary

Washington, D.C.

ORDER

WT 4300.2-1

1-19-77

SUBJECT: REAL PROPERTY ACQUISITIONS AND DISPOSALS

1. PURPOSE. This Order provides overall guidance and procedural requirements for obtaining approval by the Office of the Secretary (OST) in advance of any action leading to the acquisition or disposal of real property meeting the criteria prescribed herein.
2. CANCELLATION. DOT N ~~4300.2~~, NOTIFICATION OF IMPENDING REAL PROPERTY ACQUISITION AND DISPOSAL ACTION, of ~~10-23-74~~.
3. REFERENCES.
 - a. DOT ~~1100.34A~~, Facility Acquisition, ~~Expansion or Relocation~~, of ~~1-8-70~~, which provides for administrative review of site evaluation for new facilities and for the expansion or relocation of existing facilities.
 - b. DOT ~~1100.17K~~^B, Changes to Facilities, of ~~3-7-68~~, which requires advance notification to the Secretary prior to release of official information or publicity on significant actions involving facilities of the Department of Transportation.
 - c. DOT ~~4600.3A~~, Utilization, Disposition, and Acquisition of Federal Real Property, of ~~4-5-74~~, which sets forth Department of Transportation (DOT) policy governing real property management and implements the provisions of the General Services Administration (GSA) Federal Property Management Circular (FMC) ~~73-5~~, of December ~~17, 1974~~, on the "Utilization, Disposition, and Acquisition of Federal Real Property."
 - d. DOT ~~1100.10~~, Co-Location of Department of Transportation Facilities, of ~~7-18-67~~, which states DOT policy relative to co-location of facilities.
4. BACKGROUND. The President and the Congress continue to express their intense interest in promoting the most effective use of real property held by Federal agencies. Executive Order ~~11512~~, of ~~2-212-70~~, and Executive Order ~~11724~~, of ~~6-25-77~~, and subsequent Presidential and Office .

DISTRIBUTION: All Secretarial Offices
All Operating Elements

opl: Office of
Installations
and Logistics

of Management and Budget directives stress the importance of effective and economic use of real property and of prompt disposition of unneeded or underutilized property. This high level interest in real property utilization programs makes it essential that **OST** be cognizant of and participate in the more significant Departmental real property ~~transa~~ actions.

5. **DEFINITIONS.** As used in 'this Order the following terms have the meanings indicated:

- a. Real Property means any land, existing permanent improvements to land, or any interest therein.
- b. Interest means any right of ownership, use, or control of real property and includes fee title, leasehold, permit, license, easement, or other similar relationships.
- c. Acquisition means obtaining an interest in real property ~~by means of~~ purchase, acceptance of donation, lease, permit, license, ~~assignment~~, reassignment, transfer, use agreement or other means.
- d. Disposal means relinquishing an interest in real property ~~by sale~~, donation, outlease, permit, license, assignment, transfer, use agreement, or other means.

6. **PROCEDURES.**

- a. General. Real property covered by this Order shall be that property which meets any of the following criteria and is being considered for ~~DOT~~ acquisition or disposal. It does not cover real property to be acquired or disposed of in connection with grant or grant-in-aid programs (including Federal-Aid Highway projects within the meaning of 23 U.S.C. 107, Acquisitions of Rights-of-Way-Interstate System) or renewals or options to renew existing leases or permits.
 - (1) Unimproved land which has an estimated fair market value of \$100,000 or more;
 - (2) Land and existing improvements which together have an estimated fair market value of \$200,000 or more, or where the land portion of the property has an estimated fair market value of \$100,000 or more;
 - (3) Leases or permits, licenses, easements or use agreements for real property which have an actual or estimated annual rental rate or payment of \$50,000 or more;

- (4) Real property which provides for working or living accommodations for 25 or more employees, including active duty military personnel assigned to the Department;
- (5) Real Property at a location in which OST has expressed interest, or the acquisition or disposal of which is known to have public or Congressional interest, or which will significantly affect the environment; and
- (6) Real property for which the acquisition, utilization or disposal has international implications.

b. Acquisition. Prior to any action to commit the Government to acquire an interest in real property covered by this Order, the acquiring DOT element will advise the Assistant Secretary for Administration (with an information copy to the OST Director of Installations and Logistics, TAD-60) and request approval of the proposed acquisition. A memorandum should be forwarded as early as feasible after the specific real property has been identified and will include, as appropriate, the following information:

- (1) Identification of the property (e.g., location, description, ownership status, etc.).
- (2) Method or type of acquisition (e.g., fee purchase, transfer, lease, condemnation, permit, etc.).
- (3) Cost elements of the acquisition.
- (4) Statement of proposed use, including identification of existing or planned programs for which the property is to be acquired, and budgetary plans for development of the property.
- (5) Impact of the acquisition on DOT programs and other facilities, and the effect on DOT programs of failure to acquire the property.
- (6) Details concerning the assignment of personnel to the activity for which the property is to be acquired.
- (7) Impact of the proposed use of the property on the community such as:
 - (a) Displacement of current occupants;

- (b) Influx of new residents ;
- (c) Housing, education and public transportation requirements and capabilities;
- (d) Utility requirements;
- (e) Relocation assistance requirements;
- (f) Need for Environmental Impact Statement; and
- (g) Other community impact.

(8) Other pertinent factors which should be considered in a decision to approve or disapprove the acquisition.

c. Budget submittals. For real property acquisition requests which are submitted by means of the Departmental budget process, the information required by paragraph 6b will be furnished, as appropriate, as a supplement to the data submitted for all real property acquisition items specified or identified in the budget request, regardless of whether the property meets the criteria listed in paragraph 6a. Departmental approval of the budgetary request and subsequent Congressional appropriations for such items constitute the approval required under this Order.

d. Disposal. Prior to the initiation of any action to dispose of an interest in real property covered by this Order, the controlling DOT element will advise the Assistant Secretary for Administration (with an information copy to the OST Director of Installations and Logistics, TAD-60) and request approval for the disposal. A memorandum outlining the proposed disposal should be forwarded as early as feasible after the proposed disposal has been identified and will include, as appropriate, the following information:

- (1) Identification of the property;
- (2) Method of disposal;
- (3) Cost elements of the disposal action;
- (4) Effect on personnel presently assigned to the activity located on the property;
- (5) Impact of the disposal on the community;

- (6) Environmental impact;
 - (7) Any known interest in the property; and
 - (8) Other pertinent factors.
- e. Real Property acquisitions subject to the review procedures for site evaluation and **approved under** the provisions of DOT **1100.34A** are exempt from this Order.

FOR THE SECRETARY OF TRANSPORTATION:



John W. Barnum
Deputy Secretary



U.S. Department of
Transportation

Office of the Secretary
of Transportation

400 Seventh St., S.W.
Washington, D.C. 20590

DEC 20 1993

DOT REAL PROPERTY
BULLETIN
RP B 94-01

SUBJECT: Approval for Acquisition of Real Property

PURPOSE: This bulletin provides information to the Department of Transportation (DOT) secretarial offices and operating administrations on departmental policy concerning approval by the **Office of the Secretary (OST)** for the acquisition of **real** property. The bulletin amends DOT Order **4300.2**, Real Property Acquisition and Disposal. It does not apply to General Services Administration (GSA) assigned space.

POLICY:

- a. Prior to the acquisition of real property that meets any of the following criteria, approval must be obtained from **OST**, **Office** of the Assistant Secretary of Administration:
- 0 acquisitions that meet or exceed GSA's prospectus level (currently **\$1.6** million net, adjusted annually);
 - 0 acquisitions that may involve congressional, **OST**, or public interest;
 - 0 acquisitions with international implications; and
 - 0 acquisitions that **require** long-term lease delegation authority from GSA. .

Information required in DOT Order **4300.2**, Section **6.b.**, Acquisition, is to be provided to **OST** if the proposed acquisition meets any of the above criteria for **OST** approval.

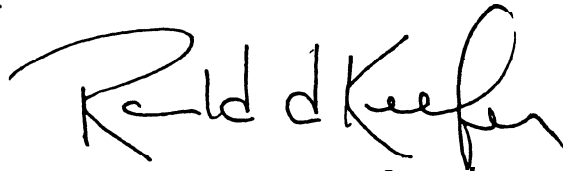
- b. For management oversight purposes, **OST** is to be provided an annual long-range plan of real property anticipated to be acquired during the next 5 years. **OST** will issue an annual data call.

- c.. Prior to the acquisition of any **real** property, confirmation must be obtained from **OST** ~~that~~ there is no known existing Government controlled real property **available**. **OST** must be notified in the initial planning stages of the acquisition and prior to initiating site selection.
- d! **OST** is to ~~be~~ provided a **quarterly report** for all real property ~~acquired~~ during the past quarter.
- e.. The annual long-range plan, notification of **real** property **acquisitions**, and ~~the~~ quarterly report of real property acquired, shall include the following information:
- o geographic location;
 - o use **of property**;
 - o acreage and/or square feet;
 - o type of space (e.g., office, **storage**, special);
 - o acquisition date;
 - o acquisition cost;
 - o total personnel to be housed; and
 - o type of acquisition (e.g., purchase, lease)

OST will **provide** specific formats for the **above**.

ACTION: This bulletin is effective immediately.

EXPIRATION DATE: This -bulletin will remain in effect until canceled or until ~~this~~ information is included in a departmental order.



Ronald D.. Keefer

Director of Administrative Services
and Property Management

9.1.92

SEP - 1 '92

**ACTION: Leasing Authority for
Real Property Notice**

Melissa J. Allen

Jon H. Seymour
Assistant Secretary for Administration

Federal Aviation Administrator

There are two significant changes in the acquisition of real property which affect the way that the Federal Aviation Administration (FAA) and the Office of ~~the~~ Secretary (OST) interact.. Section 9118 of the Omnibus Budget Reconciliation Act of 1990,, Public Law 101-508, 104 Statute 1388, 1388-365 ((1990)), amends section 303 of the Federal Aviation Act of 1958,, to authorize-the FAA Administrator to acquire by purchase, condemnation, and lease for a term not to exceed 20 years, real property or interests therein. In addition, since Fiscal Year 1991 when Congress budgeted General Services Administration (GSA) rental payments in one consolidated account, there has been a **single appropriation for GSA Rent to the OST..** The purpose of this memorandum is to propose procedures which the FAA and OST can follow in implementing' these changes.

For direct acquisitions of real property, i.e., those not involving GSA, we believe the FAA should:

Obtain OST approval for large acquisitions, lease or purchase, that are equal to or greater than GSA's prospectus level (\$1.6 million net, adjusted annually); or those acquisitions that involve Congressional, public or OST interest, regardless of cost..

Provide OST with a quarterly report listing completed acquisitions that have a net annual cost of between \$750,000 and prospectus level. OST will work with your staff to develop a format that requires the minimal amount of information.

For GSA space, the FAA has authority to request space directly through GSA without prior OST approval. However, because GSA rent is centrally managed within the Department, the FAA will need to submit to OST an annual plan listing their space priorities within established allocations. For financial oversight purposes, the FAA will need to submit funding documentation for individual space actions certifying that: (1) funds are available for the acquisition, (2) the acquisition is part of FAA's space priority plan, and (3) the acquisition meets established space utilization criteria. The OST will work with your staff to set up these new procedures.

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 and 8-4-92
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